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**THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appeal No: **Unassigned**

In re application of: **SUZUKI, Yoshihisa et al.**

Group Art Unit: **2653**

Serial Number: **09/964,874**

Examiner: **Aristotelis M. PSITOS**

Filed: **September 28, 2001**

Confirmation No.: **1462**

For: **OPTICAL DISK DRIVE RESPONSIVE TO INTERNAL  
TEMPERATURE CHANGE**

Customer Number: **38834**

Attorney Docket No.: **011299**

**APPEAL BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

December 20, 2004

Applicants appeal the June 24, 2004 rejection of claims 10-13 and 24-27.

Applicants (now referred to hereinbelow as "appellants") filed a Notice of Appeal on  
October 25, 2004.

**I. REAL PARTY IN INTEREST**

The real party in interest is the assignee of the subject application, which is:

**SANYO Electric Co. Ltd.**

5-5, Keihan-Hondori, 2-chome

Moriguchi-shi, Osaka

Japan

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## **II. RELATED APPEALS AND INTERFERENCES**

Appellants know of no other appeals or interference proceedings related to the present appeal.

## **III. STATUS OF CLAIMS**

Pending claims 10-13 and 24-27 stand rejected. No claims are allowed or objected to. The claims on appeal are claims 10-13 and 24-27.

## **IV. STATUS OF AMENDMENTS**

No amendments were filed subsequent to the Final Rejection.

## **V. SUMMARY OF CLAIMED SUBJECT MATTER**

The claimed invention is an optical disk drive. The disclosed optical disk drive records data on and reproduces data from an optical disk, such as a magneto-optical disk. In particular, the present invention relates to a focus offset, a tracking offset, and control of a laser output value.

With respect to claim 10, an embodiment of the disclosed optical disk drive (see, *e.g.*, optical disk drive A in Fig. 1) includes: setting means for setting a focus offset value and/or a tracking offset value at startup of the optical disk drive (see, *e.g.*, the specification, page 26, line 26, to page 27, line 3, and digital signal processor (DSP) 20 in Fig. 1); first temperature measurement means for measuring an internal temperature of the optical disk drive at startup (see, *e.g.*, the specification, page 28, lines 14-16, and temperature sensor 12 and DSP 20 in Fig.

1); second temperature measurement means for measuring an internal temperature the optical disk drive after startup (see, *e.g.*, the specification, page 29, lines 11-13, and temperature sensor 12 and DSP 20 in Fig. 1); determination means for determining whether the difference between the temperature measured by the second temperature measurement means and the temperature measured by the first temperature measurement means has exceeded a predetermined level (see, *e.g.*, the specification, page 30, lines 9-16, and DSP 20 in Fig. 1); and resetting means for resetting the focus offset value and/or the tracking offset value when the determination means determines that the difference between the two specified temperatures has exceeded the predetermined level (see, *e.g.*, the specification, page 32, lines 7-11, and DSP 20 in Fig. 1).

With respect to claim 12, an embodiment of the disclosed optical disk drive (see, *e.g.*, optical disk drive A in Fig. 1) includes: setting means for setting a laser output value of a light-emitting section, a laser being output from the light-emitting section for recording and/or reproducing data on and/or from an optical disk, at startup of the optical disk drive (see, *e.g.*, the specification, page 27, lines 21-27, and DSP 20 in Fig. 1); first temperature measurement means for measuring an internal temperature of the optical disk drive at startup (see, *e.g.*, the specification, page 28, lines 14-16, and temperature sensor 12 and DSP 20 in Fig. 1); second temperature measurement means for measuring an internal temperature of the optical disk drive after startup (see, *e.g.*, the specification, page 29, lines 11-13, and temperature sensor 12 and DSP 20 in Fig. 1); determination means for determining whether the difference between the temperature measured by the second temperature measurement means and the temperature measured by the first temperature measurement means has exceeded a predetermined level (see, *e.g.*, the specification, page 30, lines 9-16, and DSP 20 in Fig. 1); and resetting means for

resetting the laser output value when the determination means determines that the difference between the two specified temperatures has exceeded the predetermined level (see, *e.g.*, the specification, page 33, lines 2-5, and DSP 20 in Fig. 1).

With respect to claims 11 and 13, in some embodiments of the disclosed optical disk drive, the determination means determines whether the difference between a temperature most recently measured and an immediately preceding temperature has exceeded a predetermined level (see, *e.g.*, the specification, page 29, line 15, to page 30, line 7, DSP 20 in Fig. 1, and memory 40 in Fig. 3).

With respect to claim 24, an embodiment of the disclosed optical disk drive (see, *e.g.*, optical disk drive A in Fig. 1) includes: a temperature sensor for sensing an internal temperature of the optical disk drive (see, *e.g.*, the specification, page 21, line 25, and page 22, line 26, to page 23, line 1, and temperature sensor 12 in Fig. 1); and a controller that sets a focus offset value and/or tracking offset value at startup of the optical disk drive (see, *e.g.*, the specification, page 23, lines 11-16, and page 26, line 26, to page 27, line 3, and DSP 20 in Fig. 1), determines whether the difference between a temperature measured by the temperature sensor at startup and the temperature measured by the temperature sensor after startup has exceeded a predetermined level (see, *e.g.*, the specification, page 30, lines 9-16, and DSP 20 in Fig. 1), and resets the focus offset value and/or the tracking offset value when the difference is determined to have exceeded the predetermined level (see, *e.g.*, the specification, page 32, lines 7-11, and DSP 20 in Fig. 1).

With respect to claim 26, an embodiment of the disclosed optical disk drive (see, *e.g.*, optical disk drive A in Fig. 1) includes: a temperature sensor for sensing an internal temperature of the optical disk drive (see, *e.g.*, the specification, page 21, line 25, and page 22, line 26, to

page 23, line 1, and temperature sensor 12 in Fig. 1); and a controller that sets the laser output value at startup of the optical disk drive (see, *e.g.*, the specification, page 23, lines 11-16, and page 27, lines 21-27, and DSP 20 in Fig. 1), determines whether the difference between the temperature measured by the temperature sensor at startup and the temperature measured by the temperature sensor after startup has exceeded a predetermined level (see, *e.g.*, the specification, page 30, lines 9-16, and DSP 20 in Fig. 1), and resets the laser output value when the difference is determined to have exceeded the predetermined level (see, *e.g.*, the specification, page 33, lines 2-5, and DSP 20 in Fig. 1).

With respect to claim 25 and 27, in some embodiments of the disclosed optical disk drive, the controller determines whether or not a difference between a most-recently measured temperature and a measured temperature immediately preceding the most-recently measured temperature has exceeded a predetermined level (see, *e.g.*, the specification, page 23, lines 11-16, and page 29, line 15, to page 30, line 7, DSP 20 in Fig. 1, and memory 40 in Fig. 3).

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

Appellants appeal the following rejections:

- (1) The rejection of claim 24 under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over *Otsuka* (JP 10-283645) or *Tsuchimochi* (JP 08-306052),<sup>1</sup> further considered with *Ogata* (JP 2000-236188);

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<sup>1</sup> The Final Office Action does not explicitly indicate that the prior art is *Otsuka* and *Tsuchimochi*. Instead, it recites “the art as relied upon above with respect to claim 1” (which was canceled before the date the Office Action). The preceding Office Action indicates that *Otsuka* and *Tsuchimochi* were asserted against claim 1.

- (2) The rejection of claims 10 and 11 under 35 U.S.C. § 103(a) as obvious over *Kulakowski et al.* (U.S. Patent No. 5,566,077) further considered with either *Tsutsui* (U.S. Patent No. 5,699,333) or *Tsuchimochi*;
- (3) The rejection of claims 12, 13, 26, and 27 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over *Kulakowski et al.* in view of *Takasugi* (U.S. Patent No. 4,507,767) or *Davis* (U.S. Patent No. 5,276,697); and
- (4) The rejection of claim 25 under 35 U.S.C. § 103(a) as obvious over the prior art relied upon with respect to parent claim 24 (*Otsuka*, *Tsuchimochi*, and *Ogata*) and further in view of either *Kulakowski et al.* or *Takagi* (U.S. Patent No. 6,567,350).

## VII. ARGUMENTS

Appellants explain herein why the claim rejections should be reversed. Each rejection is addressed individually.

- A. The rejection of claim 24 as anticipated by or, in the alternative, as obvious over *Otsuka* (JP 10-283645) or *Tsuchimochi* (JP 08-306052), further considered with *Ogata* (JP 2000-236188) should be reversed.**

The following argument applies to claim 24 separately:

Although an obviousness rejection may rely on multiple prior art references, an anticipation rejection can rely on only one reference. Therefore, if *Otsuka* or *Tsuchimochi* individually cannot justify an anticipation rejection, additional reliance on *Ogata* still cannot justify the rejection. Appellants explain in the following why the Examiner has not met his burden of showing how either *Otsuka* or *Tsuchimochi* supposedly justify the anticipation

rejection, and appellants also explain why the Examiner has not shown how at least one of those references in view of *Ogata* supposedly justifies the obviousness rejection. For at least this reason, the rejection of claim 24 should be withdrawn.

Claim 24 describes an optical disk drive that has a “controller,” and the claim specifies that the controller:

sets a focus offset value and/or tracking offset value at startup of the optical disk drive ... and resets the focus offset value and/or the tracking offset value when ...

That is, to justify the rejection of claim 24, the Examiner would at least need to show how the applied prior art teaches or suggests a controller that sets and later resets a “focus offset value” or a “tracking offset value” as specified in the claim.

However, the Examiner does not provide this showing. Specifically, the Examiner does not identify *any* disclosure of a “focus offset value” or a “tracking offset value” in the prior art, so he certainly does not indicate how the prior art supposedly teaches or suggests setting and resetting either value in the manner described in the claim.<sup>2</sup> For at least this reason alone, the rejection of claim 24 should be reversed.

The Examiner also provides (by his reference to the first Office Action) the alternative argument that, if *Otsuka* and *Tsuchimochi* do not anticipate claim 24, *Ogata* would suggest modifying the optical disk drives of *Otsuka* and *Tsuchimochi* to have all features specified in the

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<sup>2</sup> During prosecution, appellants requested that, if the Examiner decided to maintain the rejection of claim 24, he indicate which parts of the prior art disclosures supposedly teach or suggest the recited claim features. (See the appellants’ April 5, 2004 submission, page 7.) However, the Examiner provides no such showing in the Final Office Action.

claim. However, the Examiner again does not indicate which parts of *Ogata* supposedly provide such a suggestion. For at least this reason, the obviousness rejection is not justified.<sup>3</sup>

For at least the reason that the Examiner has not met his burden of justifying the rejection by indicating how the asserted prior art supposedly teaches or suggests a controller of an optical disk drive that sets and later resets a “focus offset value” or a “tracking offset value” *under the conditions specified in the claim*, appellants submit that the rejection of claim 24 should be reversed.

**B. The rejection of claims 10 and 11 as obvious over *Kulakowski et al.* (U.S. Patent No. 5,566,077) further considered with either *Tsutsui* (U.S. Patent No. 5,699,333) or *Tsuchimochi* should be reversed.**

The following argument applies to claims 10 and 11 as a group:

Claim 10 describes an optical disk drive that includes:

resetting means for resetting the focus offset value and/or the tracking offset value set by the setting means when the determination means determines that the difference [between two specified temperatures] has exceeded the predetermined level.

Claim 11 depends from claim 10, so it also includes this feature by virtue of its dependency.

The *Kulakowski et al.* optical drive differs from the claimed invention in its basic reaction to varying operating temperatures. As is apparent from the quote above, in the claimed invention, a focus offset value and/or a tracking offset value are reset upon occurrence of a specified internal temperature condition. In contrast, when the drive temperature of the *Kulakowski et al.*

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<sup>3</sup> The only additional explanation for the rejection that the Examiner provides in the Final Office Action is “... as claimed, there is no requirement that the laser output be compensated.” (Final Office Action, page 3.) Of course, this statement does not provide the requested elaboration.



optical drive system exceeds certain thresholds, the system inhibits write, erase, read, and/or verify operations. Inhibiting these operations adjusts the drive's duty cycle and thereby maintains the operating temperature within predetermined parameters. (Column 2, line 61, to column 3, line 8.)

The Examiner does not indicate any *Kulakowski et al.* teachings of resetting a focus offset value and/or a tracking offset value as a reaction to varying operating temperatures. Further, although the rejection also relies on *Tsutsui* and *Tsuchimochi* as supposedly teaching "correcting/compensating for focus offset" during temperature variations, the Examiner provides no explanation of why such a reaction to temperature variations would be desirable in a system (i.e., the *Kulakowski et al.* system) that already reacts by inhibiting certain operations as summarized above.<sup>4</sup>

For at least the reason that the Examiner has not met his burden of justifying the obviousness rejection by indicating how either *Tsutsui* or *Tsuchimochi* supposedly suggests modifying the *Kulakowski et al.* system to react to temperature variations by resetting a focus offset value and/or a tracking offset value upon occurrence of a specified internal temperature condition as claimed, the rejection of claim 10 should be reversed. Because claim 11 depends from claim 10, the rejection of claim 11 should also be reversed for at least the reason of its dependency.

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<sup>4</sup> Despite appellants' presentation of this argument during prosecution (submission of April 5, 2004, page 8), the Examiner fails to provide the appropriate elaboration of his rejection in the Final Office Action. Instead, he merely states that columns 2-4 of one of the cited prior art references (he does not identify which reference) teach the claimed "resetting means." (Final Office Action, page 3, bottom.) Such a statement does not indicate a *Kulakowski et al.* teaching of resetting a focus offset value and/or a tracking offset value as a reaction to varying operating temperatures, and it also does not indicate why such a reaction to temperature variations would be desirable in the *Kulakowski et al.* system.

The following argument applies to claim 11 separately:

Nonetheless, appellants provide an additional reason to reverse the rejection of claim 11:

Claim 11 specifies that the “determination means” of the optical disk drive:

determines whether or not a difference between a temperature most recently measured by the second temperature measurement means and an *immediately preceding* temperature measured by the second temperature measurement means has exceeded a predetermined level [*emphasis added*].

Therefore, to justify the rejection of claim 11, the Examiner would need to show how the asserted prior art teaches or suggests this feature.

As supposedly providing this showing, the Examiner cites column 5, lines “623,”<sup>5</sup> – column 6, line 48,<sup>6</sup> and states that this excerpt teaches the above-quoted claim feature, in particular, a “most recent temperature measurement.” However, this is not an explanation of how the prior art supposedly teaches or suggests processing the value of the most recently measured temperature with the value of the “immediately preceding temperature” as specified in the claim.

Therefore, because the Examiner has not explained how the asserted prior art teaches or suggests a determination means of an optical disk drive that determines whether the difference between a temperature most recently measured and an *immediately preceding* temperature has exceeded a predetermined level as claimed, the rejection of claim 11 should be reversed for at least this additional reason.

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<sup>5</sup> It is not clear which line number the Examiner intended.

<sup>6</sup> The particular reference is not indicated.

- C. The rejection of claims 12, 13, 26, and 27 as anticipated by or, in the alternative, as obvious over *Kulakowski et al.* in view of *Takasugi* (U.S. Patent No. 4,507,767) or *Davis* (U.S. Patent No. 5,276,697) should be reversed.**

The following argument applies to claims 12, 13, 26, and 27 as a group:

As discussed above, although an obviousness rejection may rely on multiple prior art references, an anticipation rejection can rely only on one reference. Therefore, if *Kulakowski et al.* cannot justify an anticipation rejection, additional reliance on *Takasugi* or *Davis* still cannot justify the rejection. Appellants explain in the following why the Examiner has not met his burden of showing how *Kulakowski et al.* supposedly justifies the anticipation rejection, and appellants also explain why the Examiner has not shown how *Kulakowski et al.* in view of either *Takasugi* or *Davis* supposedly justifies the obviousness rejection. For at least this reason, the rejection of claims 12, 13, 26, and 27 should be withdrawn.

Claim 12 describes an optical disk drive that includes:

resetting means for resetting the laser output value set by the setting means when the determination means determines that the difference [between two specified temperatures] has exceeded the predetermined level.

Claim 13 depends from claim 12, so it also includes this feature by virtue of its dependency.

Claim 26 describes an optical disk that includes a controller that:

... resets the laser output value when the difference [between two specified temperatures] is determined to have exceeded the predetermined level.

Claim 27 depends from claim 26, so it also includes this feature by virtue of its dependency.

As discussed above, the *Kulakowski et al.* optical drive differs from the claimed invention in its basic reaction to varying operating temperatures. In the claimed invention, a laser output value is reset upon occurrence of a specified internal temperature condition. In contrast, when

the drive temperature of the *Kulakowski et al.* optical drive system exceeds certain thresholds, the system inhibits write, erase, read, and/or verify operation to maintain the operating temperature within predetermined parameters. (Column 2, line 61, to column 3, line 8.)

To supposedly justify the anticipation rejection, the Examiner writes that, because *Kulakowski et al.* varies the duty ratio of its laser drive, the reference anticipates resetting the laser output value as claimed. (Final Office Action, page 4.) However, he provides no citations to a disclosure of resetting the laser output value *when the difference between two specified temperatures* has exceeded a predetermined level as claimed. Therefore, the Examiner has not justified the anticipation rejection.

The Examiner presents that alternative argument that *Takasugi* and *Davis* suggest modifying the *Kulakowski et al.* optical disk drive to render the claims obvious. However, the Examiner does not identify a suitable suggestion in either the *Takasugi* or the *Davis* disclosures. Appellants elaborate as follows:

Regarding *Takasugi*, the Examiner cites the following:

It is therefore an object of the present invention to provide protection means for putting the light output of a laser within an appropriate range in each of recording and reproducing periods (namely, writing and reading periods), thereby preventing erroneous recording.

In order to attain the above object, according to the present invention, the light output of a semiconductor laser is monitored by a monitor device, and protection means capable of short-circuiting the semiconductor laser when a monitor signal from the monitor device exceeds a predetermined value, is connected to the semiconductor laser.

(Column 1, lines 57-68.) This excerpt does not discuss resetting a laser output value when the *difference between two specified temperatures* has exceeded a predetermined level as claimed.

Therefore, the Examiner has not shown how *Takasugi* supposedly suggests modifying the *Kulakowski et al.* optical disk drive to render the claims obvious.

Regarding *Davis*, the Examiner only shows that a laser temperature monitor is prior art. Such is not a showing of resetting a laser output value when the difference between two specified temperatures has exceeded a predetermined level as claimed. Therefore, the Examiner has also not shown how *Davis* supposedly suggests modifying the *Kulakowski et al.* optical disk drive to render the claims obvious.

Because the Examiner has not met his burden of justifying either the anticipation rejection or the obviousness rejection of claims 12, 13, 26, and 27, appellants now submit that the rejection should be reversed.

The following argument applies to claims 13 and 27 separately from the prior group:

Nonetheless, appellants provide an additional reason to reverse the rejection of claims 13 and 27:

Both claims 13 and 27 describe an optical disk drive that has a “determination means” and a “controller,” respectively, that determines whether a difference between a temperature most recently measured and an *immediately preceding* temperature measured has exceeded a predetermined level. Therefore, to justify the rejection of claims 13 and 27, the Examiner would need to show how the asserted prior art teaches or suggests this feature. However, nowhere on pages 4 and 5 of the Final Office Action does the Examiner provide this showing.

Accordingly, because the Examiner has not explained how the asserted prior art teaches or suggests an optical disk drive having an element that determines whether the difference between a temperature most recently measured and an *immediately preceding* temperature has

exceeded a predetermined level as claimed, the rejection of claims 13 and 27 should be reversed for at least this additional reason.

**D. The rejection of claim 25 as obvious over the prior art relied upon with respect to parent claim 24 (*Otsuka, Tsuchimochi, and Ogata*) and further in view of either *Kulakowski et al.* or *Takagi* (U.S. Patent No. 6,567,350) should be reversed.**

Claim 25 depends from claim 24, and appellants explain above why the rejection of claim 24 based on *Otsuka, Tsuchimochi, and Ogata* should be reversed. Therefore, the rejection of claim 24 should be reversed for at least the reason of its dependency. Appellants of course acknowledge that the rejection of claim 25 relies also on *Kulakowski et al.* and *Takagi*. However, the Examiner has not shown how either *Kulakowski et al.* or *Takagi* could cure the deficiency of *Otsuka, Tsuchimochi, and Ogata* in failing to support the rejection of claim 24.

The following argument applies to claim 25 separately:

Additionally, claim 25 recites features not recited in claim 24, so, to justify the rejection of claim 25, the Examiner has the burden for providing a prior art teaching or suggestion of these features. However, the Examiner does not provide a sufficient showing, as detailed in the following:

Claim 25 describes an optical disk drive that includes a controller that:

determines whether or not a difference between a most-recently measured temperature and *a measured temperature immediately preceding the most-recently measured temperature* has exceeded a predetermined level [*emphasis added*].

Therefore, to justify the rejection of claim 25, the Examiner would need to show how the asserted prior art teaches or suggests this feature. However, nowhere on pages 5 and 6 of the Final Office Action does the Examiner provide this showing.

Appellants acknowledge that the Examiner writes “col. 5 line 62 to col. 6 line 48,” but the Examiner does not indicate which reference is associated with this cite. Because the Examiner writes “various polling of the sensors are disclosed” (Final Office Action, page 5, bottom), appellants can speculate that the Examiner is referring to the *Takagi* reference.

However, the Examiner does not indicate how the cited *Takagi* text (assuming *Takagi* was the intended reference) supposedly has a teaching or suggestion of the claim feature quoted above. Although *Takagi* discusses polling the operating temperature (column 6, lines 3-6, 25-27, and 44-48), this is not a teaching or suggestion of using the *difference between a most-recently measured temperature and a measured temperature immediately preceding the most-recently measured temperature* as described in the claim.

Therefore, for this additional reason, appellants submit that the rejection of claim 25 should be withdrawn.

### VIII. CONCLUSION

For the above reasons, appellants request that the Board of Patent Appeals and Interferences reverse the Examiner's rejection of claims 10-13 and 24-27.

In the event this paper is not timely filed, appellants petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 50-2866, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,  
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in cursive script, reading "Joseph L. Felber".

Joseph L. Felber  
Attorney for Appellants  
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Enclosures: Claims appendix  
Evidence appendix  
Related proceedings appendix

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**CLAIMS APPENDIX**

Claims 1 – 9 (Canceled)

Claim 10: An optical disk drive comprising:

setting means for setting a focus offset value and/or a tracking offset value at startup of the optical disk drive;

first temperature measurement means for measuring an internal temperature of the optical disk drive at startup of the optical disk drive;

second temperature measurement means for measuring an internal temperature the optical disk drive after startup of the optical disk drive;

determination means for determining whether or not a difference between the temperature measured by the second temperature measurement means and the temperature measured by the first temperature measurement means has exceeded a predetermined level; and

resetting means for resetting the focus offset value and/or the tracking offset value set by the setting means when the determination means determines that the difference has exceeded the predetermined level.

Claim 11: The optical disk drive according to claim 10, wherein the second temperature measurement means measures a temperature at predetermined times;

the determination means determines whether or not a difference between a temperature most recently measured by the second temperature measurement means and an immediately

preceding temperature measured by the second temperature measurement means has exceeded a predetermined level; and

resetting means resets a set focus offset value and/or a set tracking offset value when the determination means determines that the difference has exceeded the predetermined level.

Claim 12: An optical disk drive comprising:

setting means for setting a laser output value of a light-emitting section, a laser being output from the light-emitting section for recording and/or reproducing data on and/or from an optical disk, at startup of the optical disk drive;

first temperature measurement means for measuring an internal temperature of the optical disk drive at startup thereof;

second temperature measurement means for measuring an internal temperature of the optical disk drive after startup thereof;

determination means for determining whether or not a difference between the temperature measured by the second temperature measurement means and the temperature measured by the first temperature measurement means has exceeded a predetermined level; and

resetting means for resetting the laser output value set by the setting means when the determination means determines that the difference has exceeded the predetermined level.

Claim 13: The optical disk drive according to claim 12, wherein the second temperature measurement means measures a temperature at a predetermined time;

the determination means determines whether or not a difference between a temperature most recently measured by the second temperature measurement means and an immediately preceding temperature measured by the second temperature measurement means has exceeded a predetermined level; and

the resetting means resets a set laser output value when the determination means determines that the difference has exceeded the predetermined level.

Claims 14 – 23 (Canceled)

Claim 24: An optical disk drive comprising:

a temperature sensor for sensing an internal temperature of the optical disk drive; and

a controller for setting a focus offset value and/or a tracking offset value, wherein

the controller sets a focus offset value and/or tracking offset value at startup of the optical disk drive, determines whether or not a difference between a temperature measured by the temperature sensor at startup of the optical disk drive and a temperature measured by the temperature sensor after startup of the optical disk drive has exceeded a predetermined level, and resets the focus offset value and/or the tracking offset value when the difference is determined to have exceeded the predetermined level.

Claim 25: The optical disk drive according to claim 24, wherein the controller measures the temperature detected by the temperature sensor at given times, determines whether or not a difference between a most-recently measured temperature and a measured temperature

immediately preceding the most-recently measured temperature has exceeded a predetermined level, and resets a set focus offset value and/or a set tracking offset value when the difference is determined to have exceeded a predetermined value.

Claim 26: An optical disk drive, comprising:

a temperature sensor for sensing an internal temperature of the optical disk drive; and

a controller for setting a laser output value of a light-emitting section, a laser being output from the light-emitting section for recording and/or reproducing data on and/or from an optical disk, wherein

the controller sets the laser output value at startup of the optical disk drive, determines whether or not a difference between a temperature measured by the temperature sensor at startup of the optical disk drive and a temperature measured by the temperature sensor after startup of the optical disk drive has exceeded a predetermined level, and resets the laser output value when the difference is determined to have exceeded the predetermined level.

Claim 27: The optical disk drive according to claim 26, wherein the controller measures the temperature detected by the temperature sensor at given times, determines whether or not a difference between a most-recently measured temperature and a measured temperature immediately preceding the most-recently measured temperature has exceeded a predetermined level, and resets a set laser output value when the difference is determined to have exceeded a predetermined value.

**EVIDENCE APPENDIX**

No evidence under 37 C.F.R. § 41.37(c)(1)(ix) is submitted.

**RELATED PROCEEDING APPENDIX**

No decisions under 37 C.F.R. § 41.37(c)(1)(x) are rendered.